
This content is from the eCFR and is authoritative but unofficial.

Title 28 - Judicial Administration

Chapter I - Department of Justice

Part 36 - Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities

Subpart B - General Requirements

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510; 42 U.S.C. 12186(b), 12205a.

Source: Order No. 1513-91, 56 FR 35592, July 26, 1991, unless otherwise noted.

§ 36.208 Direct threat.

- (a) This part does not require a public accommodation to permit an individual to participate in or benefit from the goods, services, facilities, privileges, advantages and accommodations of that public accommodation when that individual poses a direct threat to the health or safety of others.
- (b) In determining whether an individual poses a direct threat to the health or safety of others, a public accommodation must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: The nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

[Order No. 1513-91, 56 FR 35592, July 26, 1991, as amended by AG Order No. 3181-2010, 75 FR 56251, Sept. 15, 2010]